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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,359	11/30/2001	Matthew D. Stringer	01238	3481

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Catherine B. Martineau, Esq.
Erch, Schaffer, Schaub & Procello Co., L.P.A.
P.O. Box 916
Toledo, OH 43697-0916

EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,359

Applicant(s)

STRINGER, MATTHEW D.

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-75 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It does not appear that either of the springs are tension springs.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-75 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It does not appear that the locking means is movable along the longitudinal axis of the securing means, as set forth in claims 1 and 21. It is unclear how the handle, the securing means, and the locking means are integral and coaxially centered yet spaced apart, as set forth in claims. It appears that claim 23 is redundant and a mere double recitation of the limitation of claim 22. In claim 12, the phrase "the rivet pin" lacks antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8,13-19,22-29,64,65,71,72 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Perry '761.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8,12-19,64,65,71, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry '761. Perry shows a handle 66, locking means 69, and means for engagement 58. Although the handle appears to be integral with the securing means, Perry is silent on same, thus to make the handle integral with the pin, would have been an obvious mechanical expedient to facilitated construction.

Claims 9,10,30,31,54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Weiland. Perry shows the claimed device with the exception of the spring. Weiland shows springs for biasing their securing means in a locked position. It would have been obvious to one of ordinary skill in

the art at the time the invention was made to provide Perry with springs for biasing his securing mean in the locked position.

Claims 11,12,32-35, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry and Weiland as applied to claim 10 above, and further in view of Emmertt. Emmertt shows a pin as a spring abutment means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pin, in lieu of means 19, for the abutment springs.

Claims 1,2,13-16,20,41-44,62,63, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyse in view of Brown. Wyse shows the claimed device with the exception of the claimed locking means. Brown shows the claimed locking means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Wyse with a locking means as claimed to frustrate unlocking of the securing means.

Claims 1,2,13-16,20,41-44,62,63, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyse in view of Brown and Smith. Wyse shows the claimed device with the exception of the claimed locking means and the centered handle. Brown shows a locking means. Smith shows a handle with an offset portion adjacent to the securing means to facilitate holding. It would have

been obvious to one of ordinary skill in the art at the time the invention was made to provide Wyse with a locking means as claimed to frustrate unlocking of the securing means and a handle shaped as claimed to facilitate the gripping of the handle.

Claims 9,10,30,31,57,73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wyse and Brown, or Wyse, Brown, and Smith, as applied to claim 8 above, and further in view of Weiland as applied above.

Claims 11,12,32-40,45,46, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wyse, Brown, and Weiland, or Wyse, Brown, Smith, and Weiland as applied to claim 10 above, and further in view of Emmertt as applied above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Swiderski. Perry shows the claimed scaffold with the exception of the rail socket. Swiderski shows guide rail sockets 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Perry to comprise guide rail sockets to facilitate the attachment of guide rails to his scaffold.

Claims 21,47-49,50-52,57-61,66-69 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Applicant's arguments filed 2.4.03 have been fully considered but they are not persuasive. Applicant stated that Perry has no handle. The examiner disagrees. It is noted that Perry's securing means rotates with the handle in securing the handle locking means to the engagement member.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as

A shortened statutory period for reply to this final action is set to expire set forth in 37 CFR 1.136(a).

THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C Chin-Shue whose telephone number is (703) 308-2475. The examiner can normally be reached on M-F 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P Stodola can be reached on (703) 308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for Any inquiry of a general nature or relating to the status of this application or After Final communications. proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

ACS
May 19, 2003



Alvin Chin-Shue
Primary Examiner